

Calendar No. 475

107TH CONGRESS }
2d Session }

SENATE

{ REPORT
107-198

AMEND THE CLEAR CREEK COUNTY, COLORADO, PUBLIC LANDS TRANSFER ACT OF 1993

JUNE 28, 2002.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural
Resources, submitted the following

R E P O R T

[To accompany H.R. 223]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 223) to amend the Clear Creek County, Colorado, Public Lands Transfer Act of 1993 to provide additional time for Clear Creek County to dispose of certain lands transferred to the county under the Act, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE

H.R. 223 amends the Public Laws 103-253 to provide Clear Creek County in Colorado with eleven additional years to decide the disposition of lands it received pursuant to the 1993 Act.

BACKGROUND AND NEED

In 1993, as part of a plan to merge its eastern Colorado operations into one administrative office, the Bureau of Land Management (BLM) decided to dispose of most of its surface lands in northeastern Colorado. The Clear Creek County, Colorado, Public Lands Transfer Act of 1993 (Public Law 103-253) transferred approximately 7,000 acres to Clear Creek County and another 7,000 acres to the Forest Service, the State of Colorado, and the towns of Georgetown and Silver Plume. H.R. 223 affects only the provision of that Act transferring land to Clear Creek County.

Pursuant to the 1993 Act, Clear Creek County could either sell the land it received, retain the land for recreation and other public purposes, or do both. With regard to the lands that the county has

authority to sell, the 1993 Act authorizes the county to act as the BLM's sales agent. It also provides that the Federal Government will receive any net receipts from the sale of these lands by the county.

The 1993 Act required Clear Creek County to decide the disposition of the lands within 10 years. Although the county has conveyed some of the land, the County Commissioners have found that the process is taking much longer than they anticipated. They requested additional time to complete the transactions.

LEGISLATIVE HISTORY

H.R. 223 was introduced by Representative Mark Udall on January 3, 2001, and passed the House of Representatives on March 13, 2001. The Subcommittee on Public Lands and Forests held a hearing on H.R. 223 on November 27, 2001. The Committee on Energy and Natural Resources considered H.R. 223 at its business meeting on May 15, 2002, and ordered the bill as amended favorably reported at its business meeting on June 5, 2002.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on June 5, 2002, by a voice vote of a quorum present, recommends that the Senate pass H.R. 223.

SECTION-BY-SECTION ANALYSIS

Section 1 of H.R. 223 amends the 1993 Clear Creek County, Colorado, Public Lands Transfer Act to provide Clear Creek County until May 19, 2015 to decide the disposition of lands it received pursuant to the 1993 Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 10, 2002.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 223, an act to amend the Clear Creek County, Colorado, Public Lands Transfer Act of 1993 to provide additional time for Clear Creek County to dispose of certain lands transferred to the county under the act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 223—An act to amend the Clear Creek County, Colorado, Public Lands Transfer Act of 1993 to provide additional time for Clear Creek County to dispose of certain lands transferred to the county under the act

CBO estimates that enacting H.R. 223 would not affect the federal budget. The legislation would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. H.R. 223 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments. Enacting this legislation would benefit Clear Creek County.

Under the Clear Creek County, Colorado, Public Lands Transfer Act of 1993, the Bureau of Land Management (BLM) conveyed several thousand acres of federal lands to that county. The act directed the county to develop a land use plan for the conveyed lands and authorized the county to sell some of those lands, provided that such sales were consistent with the land use plan and occurred within 10 years. H.R. 223 would extend that deadline for an additional 10 years. According to BLM, the county has not completed a land use plan and needs a statutory extension in order to sell the lands in the future. Because the county already owns the lands, CBO estimates that the proposed extension would not affect the federal budget.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 223. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 223.

EXECUTIVE COMMUNICATIONS

The pertinent legislative report received by the Committee from the Department of the Interior setting forth Executive agency recommendation relating to H.R. 223 are set forth below:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, December 7, 2001.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This letter sets forth the views of the Department of the Interior on H.R. 223, a bill to amend the Clear Creek County, Colorado, Public Lands Transfer Act of 1993. The Department supports this bill.

H.R. 223 amends section 5 of the Clear Creek County, Colorado, Public Lands Transfer Act of 1993 by extending until May 19, 2015, the time allowed Clear Creek County to sell certain lands that is received from the BLM under the 1993 Act.

The 1993 Act helped achieved the goal of consolidating BLM administration in eastern Colorado by transferring approximately 14,000 acres of land from the BLM to the U.S. Forest Service, to the State of Colorado, to Clear Creek County, and to the towns of Georgetown and Silver Plume.

H.R. 223 applies only to 7,300 acres that were transferred to Clear Creek County. The 1993 Act provides that, after the county prepares a comprehensive land use plan, the county may in turn resell some of those lands. The BLM recognizes that Clear Creek County has not completed the land use planning of the acreage conveyed by the United States and needs a statutory extension. Under H.R. 223, the new deadline would be May 19, 2015.

The complexity of the fragmented county land ownership, intermingled with patented mining claims, requires much more time and effort than was initially anticipated, and will require most—if not all—of the ten-year extension. We understand that Clear Creek County will be able to complete the conveyance of these remaining lands with this extension of time and therefore we support this bill. Accordingly, the Department supports H.R. 223.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. STEVEN GRILES,

Acting Assistant Secretary for Land and Minerals Management.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the Act H.R. 223, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Public Law 103–253

AN ACT To provide for the transfer of certain public lands located in Clear Creek County, Colorado, to the Forest Service, the State of Colorado, and certain local governments in the State of Colorado, and for other purposes

Be in enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Clear Creek County, Colorado, Public Lands Transfer Act of 1993”.

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SEC. 5. LAND TRANSFER TO CLEAR CREEK COUNTY, COLORADO.

(a) * * *

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(c) UNSOLD LANDS.—(1) The County may transfer some or all of the lands referred to in subsection (a) to an entity that would be a qualified grantee under section 2(a) and 2(c) of the Recreation and Public Purposes Act (43 U.S.C. 869–1(a), (c)). Any lands so transferred shall be held by the recipient thereof under the same terms and conditions as if transferred by the United States under such Act, except that such terms and conditions shall also apply to the mineral estate in such lands.

(2) Any of the lands referred to in subsection (a) which remain in County ownership on [the date 10 years after the date of enactment of this Act] *May 19, 2015*, or regarding which the County has prior to such date notified the Secretary that the County intends to retain ownership, shall be retained by the County under the same terms and conditions as if transferred to the County on such date or on the date of such notification (whichever first occurs) by the United States under the Recreation and Public Purposes Act, except that such terms and conditions shall also apply to the mineral estate in such lands.

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